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17 AUG 2006

In re Application of	:	DECISION ON
SCHWAL et al	:	
Application No.: 10/585,401	:	
PCT No.: PCT/FR2004/002299	:	
Int. Filing Date: 10 September 2004	:	PETITION UNDER
Priority Date: 12 September 2003	:	
Attorney's Docket No.: 0532-1034	:	
For: DEVICE FOR ATOMIZING	:	
A LIQUID COMPOSITION	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed on 07 July 2006.

BACKGROUND

On 10 September 2004, this international application was filed. A copy of the intentional application was transmitted on 24 March 2005 to the USPTO from the International Bureau. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 March 2006. This international application became abandoned with respect to the United States at midnight on 12 March 2006 for failure to pay the required basic national fee.

On 07 July 2006, applicant filed in the United States Patent and Trademark Office (PTO) the current petition and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, an executed declaration, the national basic fee, and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, and an English translation of the international application, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 July 2006**.



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